

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A.,

Plaintiff,

v.

DEPFA BANK PLC and LLOYDS TSB
BANK PLC,

Defendants.

No. 10 CV 4424 (JPO) (AJP)

**DECLARATION OF
OMAR A. KHONDKER IN
OPPOSITION TO MOTION
IN LIMINE TO EXCLUDE
EXPERT TESTIMONY
OF ROBERT DEAN POPE**

DEPFA BANK PLC,

Third-Party Plaintiff,

v.

ACCESS TO LOANS FOR LEARNING
STUDENT LOAN CORPORATION and
JPMORGAN CHASE BANK, N.A.,

Third-Party Defendants.

LLOYDS TSB BANK PLC,

Third-Party Plaintiff,

v.

ACCESS TO LOANS FOR LEARNING
STUDENT LOAN CORPORATION,

Third-Party Defendant.

OMAR A. KHONDKER, pursuant to 28 U.S.C. § 1746, declares:

1. I am a member of the New York bar and associated with Mintz Levin Cohn Ferris Glovsky and Popeo, P.C., attorneys for defendant and third-party plaintiff Lloyds TSB Bank plc (“Lloyds”). As counsel for Lloyds, I am familiar with the facts and circumstances of this case.

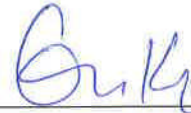
2. I respectfully submit this declaration in opposition to DEPFA BANK plc's motion *in limine* to exclude the expert testimony of Lloyds' expert, Robert Dean Pope. The purpose of this declaration is to present the deposition testimony cited in the Memorandum of Law opposing Depfa's motion.

3. Attached hereto as Exhibit A is a true copy of selected pages from the deposition transcript of Joel J. Powers dated September 27, 2011.

4. All documentary exhibits cited in the Memorandum of Law are located in the Trial Exhibit binders submitted to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 14, 2011.



Omar A. Khondker